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|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/811,019 | VANBREE, KEN | |
| | Examiner | Art Unit | |
| | ALBERT H. CUTLER | 2622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 18 July 2009.
2. ☒ The allowed claim(s) is/are 1,2,4-8 and 11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>20091030</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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DETAILED ACTION

1. This office action is responsive to communication filed on July 18, 2009.

Claim Objections

2. All claim objections previously made by the Examiner are hereby removed in view of Applicant's response.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ken VanBree on October 30, 2009.

The claims are to be amended as follows:

Claim 1, Page 2

Line 17, delete "positioning" and insert -- automatic repositioning -- after "a computational device coupled to the"

Line 22, delete "the" and insert -- a -- after "computational device through".

Claim 2, Page 3

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Line 2 of claim 2, delete “positional” and insert -- automatic repositioning -- after “via signals to the”

Claim 3, Page 3

Claim 3 is to be cancelled

Claim 4, Page 3

Line 3 of claim 4, delete “imaging” and insert -- image capture -- after “system includes an”

Line 5 of claim 4, delete “imaging” and insert -- image capture -- after “mount for said”

Line 6 of claim 4, delete “positioning” and insert -- automatic repositioning -- before “apparatus is connected”

Line 11 of claim 4, delete “said” and insert -- an -- before “initial image”

Line 13 of claim 4, delete “an” and insert -- the -- after “a.2) repositioning”

Claim 4, Page 4

Line 2, delete “a” and insert -- the -- after “capable of receiving”

Line 3, delete “stored” and “of an arbitrary scene of interest”, and replace “imaging” with “image capture”

Line 4, delete “a” and insert -- the -- after “captures a new image of”

Line 4, delete “a” and insert -- the -- after “image is input to”

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Line 5, insert -- the -- before “reference image”

Line 6, delete “imaging” and insert -- image capture -- after “difference in position of the”

Line 7, insert -- the -- before “automatic repositioning apparatus”

Line 8, insert -- the -- before “user interface”

Line 9, delete “imaging” and insert -- the image capture -- before “device relative to”

Line 15, delete "position" after "obtained, where such"

Claim 5, Page 4

Line 1 of claim 5, delete “in which the step of initializing further includes the step of generating a three dimensional model of the subject of interest through selection of reference points in the subject of interest” and insert -- wherein said computational model is a three dimensional model -- after “A method as in claim 4”.

Claim 9, Page 5

Claim 9 is to be cancelled

Claim 10, Page 5

Claim 10 is to be cancelled

Claim 11, Page 5

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Line 1 of claim 11, delete "(also denominated a "positioning apparatus")"

Line 1 of claim 11, insert -- automatic repositioning -- before "apparatus"

Line 12 of claim 11, delete "positioning" and insert -- automatic repositioning --

Line 13 of claim 11, delete "positioning" and insert -- automatic repositioning --

Line 14 of claim 11, delete "a" and insert -- the -- after "capable of receiving"

Line 14 of claim 11, delete "stored" and delete "of an arbitrary scene of interest"

Line 15 of claim 11, delete "imaging" and insert -- image capture -- after "such
that when said"

Line 15 of claim 11, delete "a" and insert -- the -- before "scene of interest"

Line 16 of claim 11, delete "a" and insert -- the -- before "computational device"

Line 16 of claim 11, insert -- the -- before "reference image"

Line 17 of claim 11, delete "imaging" and insert -- image capture -- after
"difference in position of the"

Line 18 of claim 11, insert -- the -- before "automatic repositioning apparatus"

Line 19 of claim 11, insert -- the -- before "user interface indicates"

Line 20 of claim 11, delete "imaging" and insert -- the image capture -- before
"device relative to"

Line 20 of claim 11, insert -- the -- before "scene of interest"

Claim 12, Page 6

Claim 12 is to be cancelled

Allowable Subject Matter

4. Claims 1, 2, 4-8 and 11 are allowed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Dooley et al. (US 2004/0215689) teaches of determining if the positioning of an imaging device is within the range of an automatic repositioning apparatus (step 308, figure 3), repositioning the imaging device if it is within the range (step 310, figure 3) and notifying the user if the required position is outside the range (step 312), paragraph 0059.

7. Wixson et al. (US 6,396,961) teaches of an imaging device (image source, 102, figure 1) connected to a positioning device (mount 106), wherein a current frame is compared to a reference frame and commands are output to a motor to align the camera (see figure 2-4).

8. Kato (US 5,083,073) teaches of using image signals to reposition and imaging device (see abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

/Sinh Tran/

Supervisory Patent Examiner, Art Unit 2622